

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S.S.N. 10/522,595

Remarks

The present invention is directed to chemical compositions. Claims 1-46 have been cancelled. Claims 47-57 are newly added. Support for these new claims is found in the claims as filed and the specification at paragraphs [0094], [0387] and [0389]. By entry of this amendment, claims 47-57 are pending.

Subject Matter Under Examination

Applicants would like to thank the Examiner for accepting the counterproposal for the Unity of Invention rejection. The Examiner considers that the scope of formula I should be further limited because of the prior art rejection, and for the reason that certain groups are chemically different in their structure, function and reactivity. Applicants respectfully point out that hydrogen and alkyl groups may be expected to have similar reactivity and function.

The compounds of the newly added claims have the following characteristics.

- R_2 and R_4 are independently selected from hydrogen and C_{1-3} alkyl;
- R_3 is selected from C_{1-3} alkyl and $(A)_mR_{12}$;
- $-C(R_5)-$ is selected from $-C(H)-$ and $-C(C_{1-20}alkyl)-$;
- $-N(R_5)-$ is selected from $-N(H)-$ and $-N(C_{2-20}alkyl)-$;
- R_{12} is selected from the group consisting of OH, SH, NH_2 , halo, NO_2 , $C(R_{17})_3$, $OC(R_{17})_3$ and CN;
- R_{17} is independently selected from hydrogen and halogen; and
- wherein each alkyl may be optionally substituted.

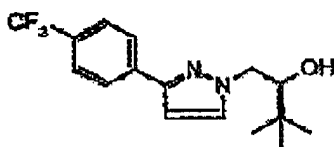
Further, the compounds of new claims 54 and 55 correspond to the compounds of cancelled claims 40 and 41. In view of Applicants comments regarding the prior art rejection over WO2003/013518 below, Applicants respectfully request rejoinder of these claims for examination.

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Rejections under 35 U.S.C. §102

Claims 1, 3-4 and 6 have been rejected under 35 U.S.C. §102(b) for lacking novelty over WO2003/013518 by Barrett et al. ("Barrett"). Applicants respectfully traverse the rejection as it applies to the newly added claims.

The Examiner considers that the compound disclosed at page 44 of Example 1f of Barrett anticipates the compounds claimed in claims 1, 3-4 and 6, now cancelled. Applicants respectfully note that the phenyl group of the compound disclosed in Barrett is attached to the pyrazole moiety at the C3 carbon whereas the compounds of general formula I have the phenyl group attached to the pyrazole moiety at the C4 carbon. The chemical structure from page 44 of Barrett is reproduced below for the Examiner's convenience.



Therefore the compound disclosed in Barrett fails to anticipate the compounds of formula I as now claimed in new claims 47-57. Applicants respectfully request withdrawal of this rejection.

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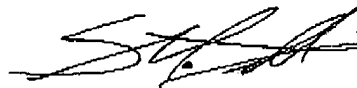
Conclusions

Applicants submit that the response herein provides a complete response to the Office Action dated February 26, 2008.

If the Examiner believes there are other issues that may be resolved by telephone interview, or that there are any informalities remaining in the application that may be corrected by Examiner's Amendment, a telephone call to the undersigned is respectfully solicited.

No additional fees are believed due, however the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment of fees to Deposit Account number 11-0980.

Respectfully submitted,



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